

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

THIS DOCUMENT RELATES TO

SPID No. 100015138

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No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

SETTLEMENT IMPLEMENTATION DETERMINATION

Before this Court is the NFL Parties' objection to a finding by the Special Master that a Retired Player was entitled to a monetary award for a Qualifying Diagnosis of Level 2 Neurocognitive Impairment. The NFL argues that the Special Master abused his discretion by relying on the opinion of an Appeals Advisory Panel ("AAP") neurologist without also seeking the advice of an Appeals Advisory Panel Consultant ("AAPC") neuropsychologist.

As I held in my April 12, 2019 Order Pursuant to Settlement Implementation Determination (ECF No. 10528) and my June 13, 2019 Settlement Implementation Determination (ECF No. 10672), "it was well within the range of reasonable choices available to the Special Master to decide that he was capable of reviewing the claim appeal, including the issue of the performance validity measures, without additional input from an AAPC neuropsychologist." ECF No. 10672, at 2; *accord* ECF No. 10528, at 3.

Based on a review of the Special Master's Ruling, a review of the NFL Parties' objection, and a review of the oppositions to the NFL Parties' objection, including oppositions filed by

Class Counsel and by individual Class Members, I approve and adopt the conclusions in the Special Master's Ruling.

AND NOW, this 3rd day of September, 2020, it is **ORDERED** that the NFL Parties' objection is **DENIED**. The Claims Administrator is directed to pay the monetary award subject to this objection.

s/ ANITA B. BRODY, J.
ANITA B. BRODY, J.